

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL WESTON,

Plaintiff,

v.

EDWARD WALL, *ET AL.*,

Defendants.

ORDER

Case No. 16-cv-141-wmc

Pro se plaintiff Michael Weston filed a proposed civil complaint claiming that Wisconsin Department of Corrections officials violated his constitutional rights when they denied his request to be transferred to a minimum security institution in retaliation for his outspoken criticism of the DOC. The complaint was filed on March 4, 2016, but has not yet been screened under 28 U.S.C. § 1915A. Weston has now filed a motion to withdraw the complaint voluntarily and for a refund of the portion of the filing fee he paid already. (Dkt. #14.) He explains that the delay in screening the complaint has adversely affected his ability to proceed because a number of his witnesses have been transferred to different institutions. Additionally, he states that he is facing severe and costly medical problems and needs the money he contributed toward the filing fee.

Weston's motion will be granted. Weston has provided sufficient justification for withdrawing his complaint and receiving a refund of his filing fee. Further, because this case has not yet been screened, dismissing the case will not prejudice the defendants.

ORDER

IT IS ORDERED that plaintiff Michael Weston's motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #14) is GRANTED. This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Entered this 17th day of May, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge